

Konovitz  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

B-221661

**FILE:**

**DATE:** March 18, 1986

K-II Construction, Inc.

**MATTER OF:**

**DIGEST:**

Protester's pre-bid-opening oral complaint to contracting officer that solicitation estimates were faulty did not constitute timely agency protest since oral protests are no longer provided for under the Federal Acquisition Regulation. Therefore, protest to GAO, following bid opening, is dismissed as untimely.

K-II Construction, Inc. (K-II), protests as inaccurate maintenance service estimates in invitation for bids (IFB) No. F01600-86-B0009 issued by the Air Force for military family housing maintenance services at Maxwell Air Force Base, Maxwell Air Force Annex and Gunter Air Force Station in Montgomery, Alabama. Based upon its review of previous solicitation estimates for maintenance services for these facilities, K-II asserts that the present estimates are understated.

The record reveals that prior to the January 10, 1985, bid opening date, a representative from K-II orally advised the contracting officer that these solicitation estimates were faulty. We received K-II's protest concerning this matter on January 15, 1986.

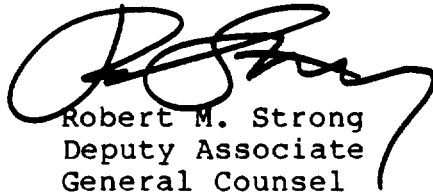
Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1985), require that protests such as this, based on alleged improprieties apparent in a solicitation, be filed prior to bid opening. Interstate Court Reporters, B-201350, Apr. 10, 1981, 81-1 C.P.D. ¶ 279. K-II's protest was not filed with our Office until after the January 10, 1986, bid opening and, therefore, is untimely.

Although K-II expressed concern that the solicitation estimates were inaccurate to the contracting agency prior to bid opening, the firm's oral complaint to the contracting

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agency did not constitute a protest such that a subsequent protest to our Office would be timely. Oral protests are no longer provided for under the Federal Acquisition Regulation (FAR). FAR, § 33.101 (Federal Acquisition Circular No. 84-6, Jan. 15, 1985); Anthony R. Teel, B-219052, Oct. 4, 1985, 85-2 C.P.D. ¶ 379.

Accordingly, the protest is dismissed.



Robert M. Strong  
Deputy Associate  
General Counsel